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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,808	01/26/2001	Michael M. Segal	SIMU-P01-003	8253
28120 7590 06/05/2007 FISH & NEAVE IP GROUP ROPES & GRAY LLP ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624			EXAMINER AKINTOLA, OLABODE	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/770,808

Applicant(s)

SEGAL, MICHAEL M.

Examiner

Olabode Akintola

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-7, 9-11, 13-14, 18-20, 22-24 and 26-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Dedrick (US 5724521).

Re claims 1, 5, 14, 18 and 27-31: Dedrick teaches a method, computer readable medium and system for directing content to an end user's computer located within a network, comprising; a data collection module for gathering information about a person and for storing the information within a protective zone located within the end user's computer and isolated from third parties (col. 3, lines 47-59, col. 7, lines 36-65; col. 8, lines 53-65); a data content module for maintaining the identities of available third party data content wherein said identities contain parameters corresponding to said available third party data content (col. 5, lines 5-13, col. 4, lines 59-67); a correlation module for correlating said gathered information with said available

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data content to produce a set of content corresponding to said gathered information, and for directing said content to said end user (col. 4, lines 59-64).

Re claims 6-7 and 19-20: Dedrick teaches that the data collection module, data content module and the correlation module reside within the end user's computer (col. 3, lines 54-59).

Re claims 9, 13, 22 and 26: Dedrick teaches wherein said end user's computer forwards a request for said content to said network server, said network server delivers said request to a third party server which contains said content, said third party server then delivers said requested content to said network server in response to said request and then said network server forwards said delivered content to said end user's computer (col. 4, line 64 through col. 5, line 13).

Re claims 10-11 and 23-24: Dedrick teaches wherein said data collection module resides within said end user's computer and wherein said data content module and said correlation module reside within a network server (col. 3, lines 59-64; col. 4, lines 3-15 and lines 59-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-4 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of Coli et al (US 6018713).

Re claims 2-4 and 15-17: Dedrick does not explicitly teach information pertaining to medical information, wherein the end user is a health care provider and said person is a patient; and a diagnostic tool which interfaces with said data collection module to assist in gathering information about a person.

Coli teaches information pertaining to medical information; wherein the end user is a health care provider and said person is a patient; and a diagnostic tool which interfaces with said data collection module to assist in gathering information about a person (col. 3, lines 16-20, 62-67, col. 4, lines 36-41, col. 5, lines 46-56, col. 16, lines 40-67, fig. 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dedrick to include these features as taught by Coli. One would have been motivated to do so in order to apply Dedrick's teachings to the medical field whereby the information gathered about a patient by physicians can be used for directing targeted content.

Claims 8, 12, 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of Lotspiech et al (US 6345289).

Re claims 8, 12, 21 and 25: Dedrick does not explicitly teach wherein the user's computer forwards a request to a network server, the network server delivers said request to a third party server and said third party server then delivers the requested content to said user's computer in response to said request. Lotspiech teaches these limitations at col. 6, line 54 through col. 8, line 57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dedrick to include these steps as taught by Lotspiech. One would have been motivated to do so in order to enhance system functionality such that the third party can assume some of the routing functionality of the system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reilly et al (US 5740549) teaches the data collection module, data content module and the correlation module reside within the end user's computer (Abstract, Fig. 12)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629.


The examiner can normally be reached on M-F 8:30AM -5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA



HANI M. KAZIMI
PRIMARY EXAMINER